

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Geraldine S. Gibson, as Personal
Representative of the Estate of Anthony
Gibson,

Plaintiff,

V.

Town of Eastover, Chezdent Thompson,
Timothy Ford, Joan Simmons, and Odell
Weston,

Defendants.

C/A NO. 3:09-475-CMC-PJG

OPINION and ORDER

This matter is before the court on Plaintiff's *pro se* complaint, asserting various claims against the above-listed Defendants.¹

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), DSC, this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation (“Report”). On December 21, 2010, the Magistrate Judge issued a Report recommending that this matter be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 42(a)(2). The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

¹This matter was commenced in this Court by Anthony Gibson, proceeding *pro se*. On November 16, 2010, a status conference was held at which time Geraldine Gibson appeared and informed the court that Plaintiff Anthony Gibson was deceased. On December 16, 2010, Geraldine Gibson provided documentation that she had been appointed personal representative of Anthony Gibson's estate, and she moved to dismiss this action.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

Plaintiff’s motion to dismiss is granted, and this matter is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b)(2). Defendants’ motion for summary judgment shall be terminated as moot.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
January 18, 2011